

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

20230930-DK-BUTTERFLY-1, INC.,

Plaintiff,
-against-HBC INVESTMENTS LLC and HUDSON BAY
CAPITAL MANAGEMENT LP,

Defendants.

USDC SDNY
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**ORDER GRANTING MOTION FOR
LEAVE TO FILE AMICUS CURIAE
BRIEF**

MARY KAY VYSKOCIL, United States District Judge:

Defendants move for leave to file an *amicus curiae* brief of securities regulation professors Bernard Black, Jonathan R. Macey, and Adam C. Pritchard in this case brought under Section 16(b) of the Securities Exchange Act of 1934. [ECF No. 30]. Plaintiff filed an opposition to the motion for leave. [ECF No. 41]. Defendants filed a reply brief. [ECF No. 43].

“There is no governing standard, rule or statute prescribing the procedure for obtaining leave to file an *amicus* brief in the district court, and so deciding whether to permit an individual to act as *amicus curiae* lies in the firm discretion of the district court.” *S.E.C. v. Ripple Labs, Inc.*, No. 20 CIV. 10832 (AT), 2021 WL 4555352, at *5 (S.D.N.Y. Oct. 4, 2021) (internal quotation marks omitted). Having carefully reviewed the proposed brief and Plaintiff’s objections thereto, the Court finds that, in this case, permitting leave “will provide the Court with a meaningful perspective, and will help ensure complete and plenary presentation of difficult issues so that the [C]ourt may reach a proper decision.” *Id.* (internal quotation marks omitted); *see C & A Carbone, Inc. v. Cnty. of Rockland, NY*, No. 08-CV-6459-ER, 2014 WL 1202699, at *4 (S.D.N.Y. Mar. 24, 2014) (granting motion for leave to file *amicus* brief even where “[p]laintiffs are represented by competent counsel and some of the arguments proffered in the proposed *amicus* brief are

duplicative of those raised by [p]laintiffs,” because “the [c]ourt nevertheless finds the [a]mici’s perspective to be helpful”).

Accordingly, Defendants are GRANTED leave to file the proposed *amicus curiae* brief.

The brief shall be filed no later than October 11, 2024.

The clerk of Court is respectfully requested to terminate the motion pending at docket entry 30.

SO ORDERED.

Date: October 7, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge